

# Notice of Allowability

Application No.

08/887,847

Examiner

Ms. Arti Singh

Applicant(s)

BAYCHAR, ?

Art Unit

1771

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment dated 11/12/03, 09/10/03 & 06/05/03.
2. ☒ The allowed claim(s) is/are 1-3, 5, 11, 14-46, 18, 27, 29-32, 34-36 and 38-40, all other claims are cancelled.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date 08/13/99.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 020305.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The Examiner has carefully considered Applicant's amendments and accompanying remarks filed on 11/12/03 in response to the nonfinal action dated 06/05/03. Applicant's remarks made to the IDS as discussed in paragraph 3 of the previous office action are acknowledged. Applicant's submission of a new specification along with its marked up copy overcomes the trademark issues of paragraph 4 in the previous action. Applicant's submission of the Terminal Disclaimer over US Application 08/910115 rectifies the Double Patenting rejection made in paragraph 12 of the previous office action. The claims have been amended and thus the objections/rejections made in paragraphs 5, 8 and 9 are also withdrawn. Applicant's affidavit is also acknowledged. All previously made rejections are now withdrawn and after amendment the following claims are allowed 1-3, 5, 11, 14-16, 18, 27, 29-32, 34-36, and 38-40, renumbered as 1-20.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Srinath Malur on 02/03/05.

The application has been amended as follows:

Please cancel claims 4, 8, 17, 19-26, 28, 33 and 37.

The new listing of the claims are as follows:

Art Unit: 1771

Claim 1 (Currently Amended) a moisture transfer composite comprising a plurality of layers arranged to transfer moisture in a predetermined direction, the moisture transfer composite comprising:

An inner fabric layer;

An outer fabric layer positioned relative to the inner fabric layer in the direction of moisture flow, wherein moisture flows from the inner fabric layer through any intermediate layers and then through the outer fabric layer;

and at least one foam material positioned between the inner fabric layer and the outer fabric layer, wherein the outer fabric layer is made to have waterproof/breathable characteristics by employing encapsulation technology and wherein the foam material is an open cell foam that is positioned adjacent to a nonwoven material and wherein either the foam or nonwoven layer is treated with microencapsulation technology which can adjust to temperature changes thereby giving either material reversible enhanced thermal properties.

Claim 2 (Previously Presented) The moisture transfer composite according to claim 1, wherein a wetting agent is applied to the inner fabric layer in order to increase moisture transfer.

Claim 3 (Previously Presented) The moisture transfer composite according to claim 1, wherein the outer fabric layer is made to have waterproof/breathable characteristics by attaching a waterproof/breathable membrane thereto.

Claim 4 (Cancelled).

Claim 5 (Previously Presented) The moisture transfer composite according to claim 1, wherein the outer fabric layer is made to have waterproof/ breathable characteristics by application of a waterproof film.

Claims 6-10 (Cancelled).

Claim 11 (Previously Presented) The moisture transfer composite according to claim 1, wherein the foam material has reversible enhanced thermal properties.

Claims 12 and 13 (Cancelled).

Claim 14 (Currently Amended) A moisture transfer composite comprising a plurality of layers arranged to transfer moisture in a predetermined direction, the moisture transfer composite comprising:

An inner fabric layer;

An outer fabric layer positioned relative to the inner fabric layer in the direction of moisture flow, wherein moisture flows from the inner fabric layer through any intermediate layers and then through the outer fabric layer;

and at least one foam material positioned between the inner fabric layer and the outer fabric layer, wherein the foam material is an antimicrobial, germicidal, open celled foam that is positioned adjacent to a nonwoven material and wherein the outer fabric layer is made to have waterproof/breathable characteristics by employing encapsulation technology; and wherein either the foam or nonwoven layer is treated with microencapsulation technology which can adjust to temperature changes thereby giving either material reversible enhanced thermal properties.

Art Unit: 1771

Claim 15 (Previously Presented) The moisture transfer composite according to claim 14, wherein a wetting agent is applied to the inner fabric layer in order to increase moisture transfer.

Claim 16 (Previously Presented) The moisture transfer composite according to claim 14, wherein the outer fabric layer is made to have waterproof/breathable characteristics by attaching a waterproof/breathable membrane thereto.

Claim 17 (Cancelled).

Claim 18 (Previously Presented) The moisture transfer composite according to claim 14, wherein the outer fabric layer is made to have waterproof/breathable characteristics by either the application of a waterproof film or by the application of a waterproof coating.

Claims 19-26 (Cancelled).

Claim 27 (Currently Amended) A moisture transfer composite which transfers moisture through a plurality comprising a plurality of layers comprising:

An inner moisture transfer layer;

A foam layer positioned adjacent to the inner moisture transfer layer; and

A nonwoven material positioned adjacent to the foam layer, wherein the moisture is transferred from the inner moisture transfer layer, through the foam layer and subsequently through the nonwoven material and wherein either the foam or nonwoven layer is treated with microencapsulation technology which can adjust to temperature changes thereby giving either material reversible enhanced thermal properties.

Claim 28 (Cancelled).

Claim 29 (Previously Presented) The moisture transfer composite according to claim 27, wherein the foam layer has reversible enhanced thermal properties.

Claim 30 (Previously Presented) The moisture transfer composite according to claim 27, wherein the foam layer is an open celled foam.

Claim 31 (Previously Presented) The moisture transfer composite according to claim 1, wherein the inner fabric layer includes at least polyester or a polyester blend.

Claim 32 (Previously Presented) The moisture transfer composite according to Claim 14, wherein the inner fabric layer includes at least one of a polyester and polyester blend.

Claim 33 (Cancelled).

Claim 34 (Previously Presented) The moisture transfer composite according to Claim 1, wherein said nonwoven material includes at least one material selected from a group consisting of spandex, wood pulp, cotton, polypropylene, polyester and rayon.

Art Unit: 1771

Claim 35 (Previously Presented) The moisture transfer composite according to Claim 11, wherein said nonwoven material includes at least one material selected from a group consisting of spandex, wood pulp, cotton, polypropylene, polyester and rayon.

Claim 36 (Previously Presented) The moisture transfer composite according to Claim 14, wherein said nonwoven material includes at least one material selected from a group consisting of spandex, wood pulp, cotton, polypropylene, polyester and rayon.

Claim 37 (Cancelled).

Claim 38 (Previously Presented) The moisture transfer composite according to Claim 27, wherein said nonwoven material includes at least one material selected from a group consisting of spandex, wood pulp, cotton, polypropylene, polyester and rayon.

Claim 39 (Previously Presented) The moisture transfer composite according to Claim 29, wherein said nonwoven material includes at least one material selected from a group consisting of spandex, wood pulp, cotton, polypropylene, polyester and rayon.

Claim 40 (Previously Amended) The moisture transfer composite according to claim 27, wherein the inner moisture transfer layer includes at least one of a polyester and a polyester blend.

3. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: please see Notice of Formal Drawings by the Draftsperson dated 08/13/99. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Arti Singh whose telephone number is 571-272-1483. The examiner can normally be reached on M-F 9-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1771

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ars

2/7/2005

Ms. Arti Singh  
Primary Examiner  
Art Unit 1771